



VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE
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Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director
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**STATE AIR POLLUTION CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
BRANTNER AND ASSOCIATES, INC.
FOR
TE CONNECTIVITY CULPEPER FACILITY
Registration No. 40369**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board and Brantner and Associates, Inc., regarding the TE Connectivity Culpeper Facility for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permit and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1301.
2. "Brantner" means Brantner and Associates, Inc, a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Brantner is a "person" within the meaning of Va. Code § 10.1-1300.

3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
5. "Facility" means Brantner and Associates, Inc.'s TE Culpeper Facility located at 751 Old Brandy Road in Culpeper, Virginia.
6. "FCE" means a Full Compliance Evaluation by DEQ staff.
7. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
8. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
9. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the Virginia Air Pollution Control Law.
10. "PCE" means a partial compliance evaluation by DEQ staff.
11. "Permit" means a Minor New Source Review permit to construct and operate a wire drawing operation and an electro optical and electro mechanical cable manufacturing facility. The Permit originally issued on March 31, 2011, was amended on April 30, 2013, October 28, 2014, and September 15, 2016. A minor New Source Review Permit was issued on July 13, 2017, for the baghouse re-routing project which also combined the terms of the permit actions mentioned above into one permit document dated July 13, 2017. This Permit was issued to TE Connectivity/Rochester Wire and Cable, LLC. In December 2017, Brantner and Associates, Inc. merged with Rochester Wire and Cable, LLC, with Brantner and Associates, Inc. remaining as the surviving entity.
12. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.
13. "Va. Code" means the Code of Virginia (1950), as amended.
14. "VAC" means the Virginia Administrative Code.
15. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

SECTION C: Findings of Fact and Conclusions of Law

1. Brantner owns and operates the Facility in Culpeper, Virginia. The Facility is a wire drawing operation and an electro-optical and electro-mechanical cable manufacturing

facility. Equipment onsite consists of wire drawing, cable manufacturing, and armoring machines. Particulate emissions from these processes are controlled by baghouses and best management practices. The Facility is the subject of the Permit which allows TE Connectivity/Rochester Wire and Cable, LLC to construct and operate the Facility. In December 2017, Brantner and Associates, Inc. merged with Rochester Wire and Cable, LLC, with Brantner and Associates, Inc. remaining as the surviving entity.

2. In 2013, TE Connectivity replaced the current 746 kW diesel engine generator set with a used (2000 model year) 1,500 kW diesel engine generator set, originally specified for emergency use only. The permit also included the installation of a 800 kW UPS (uninterruptable power system) to provide clean power to the power critical process lines. In 2013, TE incurred the cost to rewire the extrusion lines so that each individual line could be run off either the generator/UPS, or utility power, as appropriate for the extruded product.
3. On March 11, 2016, TE Connectivity notified DEQ via email that it had experienced an equipment failure associated with its UPS system. At the time, TE Connectivity believed that the failure was due to inherent defects with the UPS system. TE Connectivity also informed DEQ at this time that it expected the equipment to be down for 90 days and noted that it would need to run the generator during this period until the UPS system was functional. The email noted that the generator would likely be run in excess of 500 hours. TE Connectivity also submitted a permit application to DEQ dated March 16, 2016 regarding the generator. The permit application was deemed incomplete by letter dated March 29, 2016. To date, a permit to operate the generator in excess of 500 hours or for purposes other than emergency operation has not been issued.
4. On March 3, 2017, Department staff conducted a FCE of the Facility for compliance with the requirements of the Virginia Air Pollution Control Law, the Permit, and the Regulations. Based on the evaluation and follow-up information, Department staff made the following observations:
 - a. The Facility was using a Cummins Model 1500 DFLE diesel-engine generator set to provide uninterrupted power to manufacturing lines located at the Plant. The Facility had primary power at the time of the inspection.
 - b. TE Connectivity personnel provided a Generator Throughput Log. TE Connectivity Corporation reported the following hours of operation, 659.0, 659.0, 659.7, 830.9, 824, 926.5, 925.5, 925, 923.9, 1063.1, 1063.1 and 1278.6 for each 12-month period ending March 2016, April 2016, May 2016, June 2016, July 2016, August 2016, September 2016, October 2016, November 2016, December 2016, January 2017, and February 2017, respectively.
 - c. TE Connectivity personnel provided emissions records for Nitrogen Oxides (NOx) emissions from January 1, 2016 through February 28, 2017. The Facility reported the following NOx tons/yr emissions: 9.58, 9.58, 9.59, 12.07, 11.97, 13.46, 13.45, 13.44, 13.42, 15.45, 15.45, and 18.58 for each 12 month period ending March 2016, April

2016, May 2016, June 2016, July 2016, August 2016, September 2016, October 2016, November 2016, December 2016, January 2017, and February 2017 respectively.

- d. TE Connectivity submitted an application for an amendment to their current permit dated September 15, 2016, to redesign the baghouse system which included a rerouting of the exhaust from inside of the building to the outside of the building. The application was dated October 12, 2016, and was received by DEQ on October 19, 2016. After review of the application, DEQ determined that the project necessitated a minor new source review permit per 9 VAC 5-80-1100 et seq., and notified TE Connectivity of this in a letter dated November 7, 2016. At the time of the March 3, 2017 FCE, TE Connectivity had already completed the project at the Facility for which the application was submitted. The minor NSR permit for this project was issued on July 13, 2017.
5. Permit Condition 5 - Emergency Power Generation- states that the Cummins engine-generator set (Ref. No. 2) shall only be operated in the following modes: In situations that arise from sudden and reasonably unforeseeable events where the primary energy or power source is disrupted or disconnected due to conditions beyond the control of an owner or operator of a facility including: i. A failure of the electrical grid; ii. On-site disaster or equipment failure; or iii. Public service emergencies such as flood, fire, natural disaster, or severe weather conditions. For participation in an ISO-declared emergency, where an ISO emergency is: i. An abnormal system condition requiring manual or automatic action to maintain system frequency, to prevent loss of firm load, equipment damage, or tripping of system elements that could adversely affect the reliability of an electric system or the safety of persons or property; ii. Capacity deficiency or capacity excess conditions; iii. A fuel shortage requiring departure from normal operating procedures in order to minimize the use of such scarce fuel; iv. Abnormal natural events or man-made threats that would require conservative operations to posture the system in a more reliable state; or v. An abnormal event external to the ISO service territory that may require ISO action. For periodic maintenance, testing, and operational training. Total emissions for any 12 month period, calculated as the sum of all emission from operations under the scenarios above, shall not exceed the limits stated in Condition 10 (9 VAC 5-80-1180).
6. Permit Condition 6 - Operating Hours- states that The Cummins diesel-engine generator set shall not operate more than 500 hours per year, as designated for an emergency generator. The permittee shall operate and maintain the Cummins diesel-engine generator set and control device according to the manufacturer's written instructions or procedures developed by the permittee that are approved by the engine manufacturer. In addition, the permittee may only change those settings that are permitted by the manufacturer and does not increase air emissions. (9 VAC 5-80-1180).
7. Permit Condition 13.c - On Site Records- states that the permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Air Compliance Manager of the DEQ's NRO. These records shall include, but are not

limited to: c. Annual hours of operation of the diesel-engine generator set, calculated monthly as the sum of each consecutive 12 month period. Compliance for the consecutive 12 month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months. (9VAC 5-80-1180 and 9 VAC 5-50-50).

8. Permit Condition 10 - Emission Limits- states that emissions from the operation of the diesel-engine generator set (Ref. No. 2) shall not exceed the limits specified below: Nitrogen Oxides (as NO₂)- 29.37 lb/hr, 7.34 tons/yr These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedances of emission limits. Compliance with these emission limits may be determined as stated in Condition 6 and 8. (9 VAC 5-80-1180, 9 VAC 5-80-850, 9 VAC 5-50-260).
9. 9 VAC 5-80-1120.A states that no owner or other person shall begin construction of, or operate, any new stationary source or any project subject to this article without first obtaining from the board a permit under the provisions of this article. The owner may not construct or operate the stationary source or project contrary to the terms and conditions of that permit.
10. On April 10, 2017, based on the observations noted during the FCE, the Department issued Notice of Violation No. ANRO000618 to TE Connectivity for the violations described in paragraphs C(2) through C(9), above.
11. On May 25, 2017, and July 27, 2017, Department staff met with representatives of TE Connectivity to discuss the violations and TE Connectivity's response to the Notice of Violation received by DEQ on April 20, 2017.
12. Based on the results of the March 3, 2017, FCE and the May 25, 2017, meeting, the Board concludes that TE Connectivity has violated Permit Condition 5, 6, 10, 13.c, and 9 VAC 5-80-1120.A as described in paragraphs C(2) through C(9), above.
13. TE Connectivity submitted a permit application to DEQ on March 17, 2016, for the generator reclassification. TE Connectivity submitted a permit application to DEQ on October 19, 2016, for the baghouse reconfiguration. To date, the permit for the generator reclassification has not been issued awaiting a possible revised application and the mNSR for the reconfiguration of the baghouses was issued on July 13, 2017
14. In order for Brantner to complete its return to compliance, DEQ staff and representatives of Brantner have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders Brantner and Associates, Inc., and Brantner and Associates, Inc. agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$26,953.14 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Brantner and Associates, Inc. shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Brantner and Associates, Inc. shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Brantner and Associates, Inc., for good cause shown by Brantner and Associates, Inc., or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Brantner and Associates, Inc., admits to the jurisdictional allegations, and agrees not to contest, but does not admit, the findings of fact, and conclusions of law contained in this Order.
4. Brantner and Associates, Inc. consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.

5. Brantner and Associates, Inc. declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Brantner and Associates, Inc. to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Brantner and Associates, Inc. shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Brantner and Associates, Inc. shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Brantner and Associates, Inc. shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.

10. This Order shall become effective upon execution by both the Director or his designee and Brantner and Associates, Inc.. Nevertheless, Brantner and Associates, Inc. agrees to be bound by any compliance date which precedes the effective date of this Order.


11. This Order shall continue in effect until:

- a. The Director or his designee terminates the Order after Brantner and Associates, Inc. has completed all of the requirements of the Order;
- b. Brantner and Associates, Inc. petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
- c. The Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Brantner and Associates, Inc..

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Brantner and Associates, Inc. from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Brantner and Associates, Inc. and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of Brantner and Associates, Inc. certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Brantner and Associates, Inc. to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Brantner and Associates, Inc..
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, Brantner and Associates, Inc. voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 24th day of November, 2018.


Justin Williams
Interim Director of Enforcement
Department of Environmental Quality

Brantner and Associates, Inc., voluntarily agrees to the issuance of this Order.

Date: 10/31/2018 By: C Brooks Sr. Finance Mgr.
(Person) (Title)
[Brantner and Associates, Inc.]

Commonwealth of Virginia

City/County of Culpeper

The foregoing document was signed and acknowledged before me this 31st day of October, 2018 by Casey S. Brooks who is Sr Finance Manager of Brantner and Associates, Inc., on behalf of the Corporation.

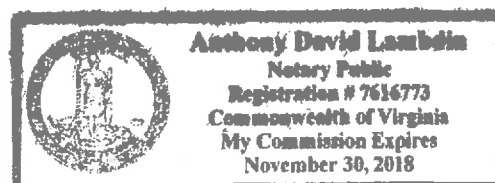

Notary Public

7616773

Registration No.

My commission expires: Nov 30, 2018

Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

Brantner and Associates, Inc. shall:

1. Either operate the Facility in accordance with its current permit immediately or obtain a Permit amendment that reflects current operations at the Facility. Should Brantner and Associates, Inc. seek to obtain a permit amendment, Brantner and Associates, Inc. shall respond to DEQ requests for information within the timeframe specified by DEQ in permitting correspondence.

2. Certification of Documents and Reports

In accordance with 9 VAC 5-20-230(A), in all documents or reports submitted to DEQ pursuant to this Consent Order, Brantner and Associates, Inc. shall by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

3. DEQ Contact

Unless otherwise specified in this Order, Brantner and Associates, Inc. shall submit all requirements of Appendix A of this Order to:

Virginia Department of Environmental Quality
Northern Regional Office
Attention Enforcement
13901 Crown Court
Woodbridge, VA 22193